

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

In re:)
)
DIANE CHERYL SPREADBURY) Case No. 08-14288-SSM
) Chapter 11
Debtor)

ORDER DENYING MOTION FOR SANCTIONS

A hearing was held on May 7, 2009, on the motion of the debtor in possession to impose sanctions against Peter Spreadbury for violation of the automatic stay, to reinstate the automatic stay, and to void the actions taken in the state court divorce proceedings. The debtor in possession was present by counsel. Peter Spreadbury was present in person and was represented by counsel. The United States Trustee was also present.

Upon consideration of the exhibits admitted into evidence and the argument of the parties, and for the reasons stated on the record, the court concludes that Peter Spreadbury did not violate the automatic stay, and that no grounds have been shown to “void” the state court proceedings or to “reinstate” the automatic stay. It is, accordingly,

ORDERED:

1. The motion is denied, without prejudice to any ground of appeal that may be asserted by the debtor from the final decree in the divorce action and without prejudice to this court’s power under paragraph 1(d) of the order of August 21, 2008, with respect to enforcement of any money judgment against the debtor for equitable distribution or any decree for sale of property in which the debtor has an interest.

2. The clerk will mail a copy of this order, or give electronic notice of its entry, to the parties listed below.

Date: _____

Alexandria, Virginia

Stephen S. Mitchell
United States Bankruptcy Judge

Copies to:

Kenneth Michael Miskin, Esquire
McGuireWoods LLP
1750 Tysons Blvd.
McLean, VA 22102
Counsel for the debtor in possession

Frederick H. Kruck, Jr., Esquire
Walker Jones, PC
31 Winchester Street
Warrenton, Virginia 20186
Counsel for Peter Spreadbury

Jack Frankel, Esquire
Office of the United States Trustee
115 South Union St., Suite 210
Alexandria, VA 22314